

Appl. No. : 10/802,593
Filed : March 17, 2004

ELECTION OF INVENTION

In the Restriction Requirement, the Examiner indicated that this application includes more than one invention identified as follows:

Group I: Claims 11-25, drawn to a method of making a device; and

Group II: Claims 1-10 drawn to a device.

In reply to the Examiner's requirement, Applicant **elects Group II (Claims 1-10)** drawn to a device. The election is made without traverse.

Rejoinder of Non-elected Claims

M.P.E.P. Section 821.04 states:

"Where the application as originally filed discloses the product and the process for making and/or using the product, and only claims directed to the product are presented for examination, when a product claim is found allowable, applicant may present claims directed to the process of making and/or using the patentable product by way of amendment pursuant to 37 CFR 1.121. [...] Process claims which depend from or otherwise include all the limitations of the patentable product will be entered as a matter of right if the amendment is presented prior to final rejection or allowance. [...] Amendments submitted after allowance are governed by 37 CFR 1.312. Process claims which depend from or otherwise include all the limitations of an allowed product claim and which meet the requirements of 35 U.S.C. 101, 102, 103, and 112 may be entered."

In view of the statements, Applicant reserves his right to amend the non-elected claims directed to the process of making to be rejoined.